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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,239	11/15/2001	William Buresh	2000P09063 US01	2128
7590	12/13/2004		EXAMINER	
Jack Schwartz & Associates 1350 Broadway Suite 1510 New York, NY 10018				HANNE, SARA M
		ART UNIT	PAPER NUMBER	2179

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/004,239	BURESH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sara M Hanne	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 15 September 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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## **DETAILED ACTION**

1. This action is responsive to the amendment received on September 15, 2004. Amended Claims 1-13 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "step (e)" in line 11, page 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-5 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gauthier et al., US Patent 2002/0036662, hereinafter Gauthier.

As in Claim 1, Gauthier teaches a method in a computer system comprising receiving instructions from the user to select a tabular format (launch spreadsheet application), in response to the selection, displaying to the user a menu of data selections each data selection providing a cell arrangement for display in tabular format (Fig. 5 and corresponding text), and adjusting dimensions of a selected cell within a selected one of cell arrangements to permit display of a data selection (Figure 3, inherent in excel to change dimensions of a cell).

As in Claim 2, Gauthier teaches the activity of receiving instructions from the user via a manual pointing device (inherent in excel).

As in Claim 4, Gauthier teaches the activity of displaying to the user a color selection menu listing possible background color choices for each selected portion of the tabular format (Fig. 9, step 930).

As in Claim 5, Gauthier teaches displaying to the user a file name selection menu displaying a region in which all previous user selections may be saved for future use (Figure 4, Microsoft Excel Book 1, save function and Pg. 15, Par. 128 et seq.).

As in Claim 6, Gauthier teaches a display specification method, comprising the activities of displaying an image set of predefined tables each having a plurality of cells in a predetermined arrangement (each sheets in excel has a predefined table with plurality of cells with a standard arrangement)

selecting one of the predefined table, displaying the predetermined arrangement of cells defined by the predefined table (select sheet, display table is a feature in excel), displaying a data selection menu for cells in the predefined table (Figure 5 and corresponding text) selecting one data set from the data selection menu for a cell (Col A), and in response to the selection of step adjusting the dimensions of some cells to permit legible data display (inherent in Excel to change dimensions of a cell to permit display).

As in Claim 7, Gauthier teaches positioning an indicator of a pointing device over a cell border within the selected table, selecting the border of the cell, moving the indicator and selecting the desired position to define a new cell border location (feature of Microsoft excel).

As in Claim 8, Gauthier teaches positioning an indicator of a pointing device over a border of a column containing at least two cells within the selected table, selecting the border of the column, moving the indicator and selecting the desired position to define a new cell border location, and redimensioning the cells within the column so as to abut the new column border location (feature of Microsoft excel).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 9-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al., US Patent 5809266, hereinafter Gauthier, and further in view of Smith et al., hereinafter Smith, US Patent 6188407.

As in Claim 3, Gauthier teaches a user section of tabular format from a list of predefined formats, displaying a menu of data selections to be placed within portions of the tabular format, and adjusting dimensions of portions of the tabular format to permit display of the data selections (See rejection of Claims 1 and 6 *supra*). While Gauthier teaches the table display and assigning of data to selected cells by a manual pointing device, they fail to show the user selecting a two waveforms from the menu to be displayed simultaneously within the first selected portion of the tabular format as recited in the claims. In the same field of the invention, Smith teaches a selectable interface for displaying data similar to that of Gauthier. In addition, Smith further teaches the user selection of two waveforms from the menu to be displayed simultaneously within the first selected portion of the tabular format (Waveform field 24 of Figure 2 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Gauthier and Smith before him at the time the invention was made,

to modify the selection of a predefined table, cell data assignment and cell dimensioning taught by Gauthier to include the user selection of two waveforms to be displayed simultaneously within the first selected portion of the tabular format of Smith, in order to obtain display of two waveforms within one selected cell. One would have been motivated to make such a combination because a visual comparison of data within the same axes would have been obtained, as taught by Smith.

As in Claim 9, Gauthier teaches a table display with multiple cells and assignment of data to the 2 cells by user selection by manipulation of a manual pointing device (See rejection of Claims 1 and 6 *supra* and Figure 12 with corresponding text). While Gauthier teaches the table display and assigning of data to selected cells by a manual pointing device, they fail to show the streams of real time medical data as the information within the cells as recited in the claims. In the same field of the invention, Smith teaches a selectable interface for displaying data similar to that of Gauthier. In addition, Smith further teaches selection and display of real time medical data onscreen (Figure 2, ref. 24 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Gauthier and Smith before him at the time the invention was made, to modify the selection of a predefined table, cell data assignment and cell dimensioning taught by Gauthier to include the display of real time medical data of Smith, in order to obtain a tabular interface for selection and display of real time medical data. One would have been motivated to make

such a combination because a user-customized medical parameter tracking method would have been obtained, as taught by Smith.

As in Claim 10, Gauthier teaches the activity of displaying a display selection menu upon selecting a cell within the table (See Claim 1 rejection *supra*).

As in Claim 11, Gauthier teaches the activity of listing in association the display selection menu a choice of data and cell appearance submenus (See Claim 4 rejection *supra*).

As in Claim 12, Gauthier teaches saving the displayed table, creating a second table having multiple cells; and inserting the saved table into a cell of the second table (Pg. 7, Par. 68 et seq.).

As in Claim 13, Gauthier teaches inserting a display generated in response to an Internet connection into a cell of the second table (Figure 12 and corresponding text).

***Response to Arguments***

6. Applicant's arguments with respect to claim 1-14 have been considered but are moot in view of the new ground(s) of rejection. The newly applied reference of Gauthier addresses the new limitations presented in the amendment filed September 15, 2004.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37

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C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar medical monitoring systems and tabular customizable interfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

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